

REMARKS/ARGUMENTS

Claims 1-21 are pending in the present application. In the Office Action mailed April 14, 2005, the Examiner rejected claims 1-21 under 35 U.S.C. § 103(a). However, in light of the present paper, reconsideration and allowance of the present claims is respectfully requested.

I. Rejection of Claims 1-21 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-21 under 35 U.S.C. § 103(a) based on U.S. Patent No. 5,646,767 to Iima et al. (hereinafter "Iima") in view of U.S. Patent No. 6,824,059 to Jam et al. (hereinafter "Jam"). This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims. Specifically, claims 1-7 recite a "graphical code reader[] comprising: an image sensor[,] a first lens ... to form a first image on a first region of the image sensor..., [and] a second lens ... to form a

second image on a second region of the image sensor.” Claim 1 (underlining added). Claims 15-18 recite a “graphical code reader[] comprising: an image sensor[], a first lens for focusing a first image of a graphical code onto a first region of the image sensor..., [and] a second lens for focusing a second image of the graphical code onto a second region of the image sensor.” Claim 15 (underlining added). Claims 8-14 recite “a first image sensor[], a first lens for focusing . . . to form a first image on the first image sensor...[], a second image sensor[], and] a second lens for focusing . . . to form a second image on the second image sensor....” Claim 8 (underlining added). Claims 19-21 recite “a first image sensor[], a first lens for focusing a first image . . . onto the first image sensor...[], a second image sensor[], and] a second lens for focusing a second image . . . onto the second image sensor....” Claim 19 (underlining added).

From this claim language, it is clear that all of the claims recite an “image sensor.” As explained by the courts, the Examiner must, in analyzing the patentability of these claims, give the term “image sensor” (and every other term in the claims) its “broadest reasonable interpretation” that is “consistent with the specification.” *In re Morris*, 44 USPQ2d 1023, 1027 (Fed. Cir. 1997).¹ As defined by the dictionary, the term “sensor” means “a mechanical device sensitive to light, temperature, radiation level, or the like, that transmits a signal to a measuring or control instrument.” *Random House Webster's Unabridged Dictionary* (Electronic Version) (1999). Thus, from this definition it is clear that the broadest reasonable interpretation of the term “image sensor” is a device that is “sensitive to” images and will transmit information regarding the image for further use/manipulation, etc.

This interpretation of the term “image sensor” is consistent with the description and usage of this term in the specification. Specifically, the specification recites as follows:

Figure 4 is a perspective view of an embodiment of an image sensor 414. The image sensor 414 is a solid state photodetecting device

¹ Specifically, *Morris* clarifies this standard as follows: “...the PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one or skill in the art, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description contained in the applicant’s specification.” *Morris*, 44 USPQ2d at 1027.

containing a relatively large number of light-sensitive pixels that are arranged in horizontal rows and vertical columns. The pixels are read electronically to provide a two-dimensional array of pixel information corresponding to the graphical code 102. Different types of image sensors 414 are known to those skilled in the art, including CCD devices, CMOS devices, etc.

See Specification, p. 9, ¶ 47.

Given this broadest reasonable interpretation of the term “image sensor,” it is clear that this claim element is not taught or disclosed by any of the references cited by the Examiner. Specifically, the cited Jam reference has no teaching or disclosure regarding an “image sensor.” Rather, the Office Action states that the “first image sensor... [is] broadly interpreted as the image forming lens 21a and a second image sensor... [is] interpreted as the image forming lens 21b.” Office Action, p. 3 (brackets in text omitted). However, as explained by Lima, elements 21a and 21b are simply “first and second surfaces 21a, 21b” of the lens 21. *See* Lima, Col. 5, lines 63-65. There is absolutely no teaching or suggestion in Lima that these first and second surfaces 21a, 21b are “sensitive to” images and/or that they will transmit information regarding the image for further use/manipulation, etc. Thus, by definition, these surfaces 21a, 21b taught by the Lima reference, do not constitute “image sensors” as is required by the plain meaning of the claims.

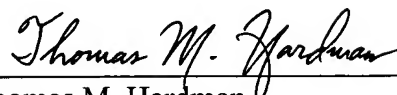
Accordingly, because neither Lima nor Jam teach or suggest a system having an “image sensor” as required by claims 1-21, this combination of references does not render these claims obvious under 35 U.S.C. § 103(a). Withdrawal of this rejection is respectfully requested.

II. Conclusion

Applicants respectfully assert that all pending claims are patentably distinct from the cited references, and request that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Appl. No. 10/643,004
Amdt. dated July 13, 2005
Reply to Office Action of April 14, 2005

Respectfully submitted,

A handwritten signature in cursive script, reading "Thomas M. Hardman", written over a horizontal line.

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Date: July 13, 2005

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